

Form 149

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

In re:

Michael Allen Koschik
Lisa Marie Melocchi
Debtor(s)

Bankruptcy Case No.: 18-23171-TPA
Per February 25, 2019 proceeding
Chapter: 13
Docket No.: 45 – 35
Concil. Conf.: 4/4/19 at 09:00 AM

**ORDER OF COURT CONFIRMING PLAN AS MODIFIED
AND SETTING DEADLINES FOR CERTAIN ACTIONS**

(1.) PLAN CONFIRMATION:

IT IS HEREBY ORDERED that upon consent of the Debtor(s), the Chapter 13 Plan dated January 16, 2019 is CONFIRMED as modified at the Plan confirmation hearing. Terms of the Plan not expressly modified by this Order remain in full force and effect. A copy of this Plan was previously mailed to you. *Only those provisions which are checked below apply to this case:*

- ☐ A. For the remainder of the Plan term, the periodic Plan payment is amended to be \$ as of . Debtor(s)' counsel shall file a motion to amend the income attachment order within seven (7) days of the date of this Order.
- ☐ B. The length of the Plan is increased to a total of months. This statement of duration of the Plan is an approximation. The Plan shall not be completed until the goals of the Plan have been achieved. The total length of the Plan shall not exceed sixty (60) months.
- ☒ C. Plan confirmation is on an interim basis only as a form of adequate protection. The Trustee is authorized to distribute to secured and priority creditors with percentage fees. ***A final plan conciliation conference will be held on 4/4/19 at 09:00 AM, in 3251 U.S. Steel Tower, 600 Grant Street, Pittsburgh, PA 15219.*** If the Parties cannot resolve all disputes at the conciliation conference, a hearing will be scheduled and orally announced at the conclusion of the conference without any further written notice to any party. Parties are directed to monitor the Court's docket and read the Chapter 13 Trustee's minutes of the conciliation conference to the extent such parties desire more information regarding the outcome of the conciliation conference.
- ☐ D. Plan confirmation is subject to the resolution of all actions to determine the avoidability, priority, or extent of liens; including determination of the allowed amount of secured claims under *11 U.S.C. §506*, disputes over the amount and allowance of claims entitled to priority under *11 U.S.C. §507*, and all objections to claims.
- ☐ E. The allowed claims of general unsecured creditors shall be paid from available funds on a pro rata basis, which may represent an increase or decrease in the amount projected in the Plan.
- ☐ F. shall be paid monthly payments of \$ beginning with the Trustee's distribution and continuing for the duration of the plan term, to be applied by that creditor to it's administrative claim, budget payments and/or security deposit. These payments shall be at the third distribution level.
- ☒ G. The claims of the following creditors shall govern as to amount, classification and rate of interest (or as otherwise noted), unless the Debtor(s) successfully objects to the claim: First National Bank (Claim No. 10) Toyota Lease Trust (Claim No. 7) .
- ☒ H. Additional Terms: A fee application is needed if any fee, including retainer, exceeds \$4,000, including any fees paid to prior counsel.

(2.) IT IS FURTHER ORDERED THAT THE FOLLOWING DEADLINES ARE ESTABLISHED:

A. Objections to the Plan. Pursuant to *Fed.R.Bankr.P. 2002(b)*, this Order shall not become final for a period of twenty-eight (28) days. Any party in interest with an objection to any provision of this Confirmation Order must file a written objection within that twenty-eight (28) day period. Failure to timely object shall be deemed a waiver of all objections and an acceptance of the provisions of this confirmed Plan. The Trustee may disburse funds pursuant to this confirmation order upon its entry.

B. Applications to retain brokers, sales agents, or other professionals. If the Plan contemplates sales of assets or litigation proceeds as a source of funding, Debtor(s) shall file motion(s) to employ the necessary professionals within thirty (30) days hereof.

C. Review of Claims Docket and Objections to Claims. Pursuant to *W.PA.LBR 3021-1(c)(2)*, the Debtor or Debtor's attorney, if represented, shall review the proofs of claim filed and shall file objections to any disputed claims within ninety (90) days after the claims bar date or, for late filed or amended claims, within ninety (90) days after they are filed and served. Absent an objection, the proof of claim will govern as to the classification and amount of the claim. Objections filed after the ninety (90) days specified herein shall be deemed untimely.

D. Motions or Complaints Pursuant to §§506, 507 or 522. All actions to determine the priority, avoidability, or extent of liens, all actions pursuant to *11 U.S.C. §§506, 507 and 522* shall be filed within ninety (90) days after the claims bar date.

E. Filing Amended Plans. Within fourteen (14) days after the Bankruptcy Court resolves the priority, avoidability, or extent of a lien, or any objection to claim, the Debtor(s) shall file an amended Plan to provide for the allowed amount of the claim if the allowed amount differs from the amount stated in the plan. Debtor(s) shall also file an amended Plan within thirty (30) days after the claims bar date(s) in the event that no objection is filed and the claim(s) as filed causes the Plan to be underfunded.

(3.) ***IT IS FURTHER ORDERED THAT:***

A. After the claims objection deadline, the Plan shall be deemed amended to conform to the claims filed or otherwise allowed. If the Plan expressly modified the terms of payment to any creditor pursuant to *11 U.S.C. §1322(b)(2)*, nothing in this Order shall be construed to change the payment terms established in the Plan.

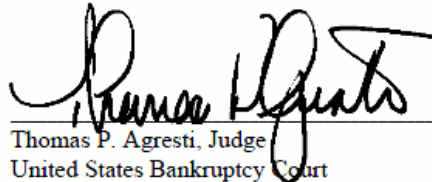
B. Any creditor who files or amends a proof of claim shall serve a copy on the Debtor(s) or counsel for the Debtor(s).

C. Any creditor whose payment changes due to variable interest rates, change in escrow, or change in monthly payments, shall notify the Trustee, Debtor(s)' counsel and Debtor(s) at least twenty-one (21) days prior to the change taking effect.

D. Debtor's counsel must file a fee application in accordance with *W.PA.LBR 2016-1* before attorney fees in excess of the "no look" provision (including retainer) will be allowed or paid.

E. The Trustee shall file a *Certificate of Default and Request for Dismissal* of the case in the event of a material Plan default. If the default involves failure to make a plan payment the case will result in dismissal without further hearing upon filing and service of an *Affidavit of Default* by the Trustee. The Trustee is not precluded from raising pre-confirmation defaults in any subsequent motion to dismiss.

F. In the event that any order is entered in this case granting relief from the automatic stay to a secured creditor, then the Trustee shall make no further disbursements to any creditor on account of any ***secured claim*** that is secured by the subject property, unless directed otherwise by further Order of Court.



Thomas P. Agresti, Judge
United States Bankruptcy Court

Dated: March 6, 2019

cc: All Parties in Interest to be served by Clerk in seven (7) days

Certificate of Notice Page 4 of 5
 United States Bankruptcy Court
 Western District of Pennsylvania

In re:
 Michael Allen Koschik
 Lisa Marie Melocchi
 Debtors

Case No. 18-23171-TPA
 Chapter 13

CERTIFICATE OF NOTICE

District/off: 0315-2

User: lmar
 Form ID: 149

Page 1 of 2
 Total Noticed: 44

Date Rcvd: Mar 06, 2019

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Mar 08, 2019.

db/jdb
 cr +Michael Allen Koschik, Lisa Marie Melocchi, 11340 James Street, Irwin, PA 15642-4480
 +PHEPLE FEDERAL CREDIT UNION f/k/a WESTMORELAND COM, 2900 Seminary Drive, Building G,
 Greensburg, PA 15601-3734
 cr +Westmoreland Community Federal Credit Union, 2900 SEMINARY DRIVE, BUILDING G,
 GREENSBURG, PA 15601-3734
 14894576 +AES/PHEAA, P.O. Box 61047, Harrisburg, PA 17106-1047
 14894577 +AES/PNC Bank, P.O. Box 61047, Harrisburg, PA 17106-1047
 14894578 +Best Buy/CBNA, P.O. Box 6497, Sioux Falls, SD 57117-6497
 14894581 +Chase/Bank One Card Service, P.O. Box 15298, Wilmington, DE 19850-5298
 14982521 +Citizens Bank NA, One Citizens Bank Way Mail Stop JCA115, Johnston, RI 02919-1922
 14894586 +Department of Education/Navient, 123 Justison Street, 3rd Floor,
 Wilmington, DE 19801-5360
 14894587 +Everett & Hurite, Ophthalmic Association, P.O. Box 644804, Pittsburgh, PA 15264-4804
 14894590 +FNB Omaha, P.O. Box 3412, Omaha, NE 68197-0001
 14894588 +FedLoan Servicing, P.O. Box 60610, Harrisburg, PA 17106-0610
 14979216 +First National Bank of Omaha, 1620 Dodge St., Stop Code 3105, Omaha, NE 68197-0002
 14894589 +First National Bank of Pennsylvania, 4140 E. State Street, Hermitage, PA 16148-3401
 14894591 +Greater Pittsburgh Federal Credit Union, Webster Hall, 4415 Fifth Avenue,
 Pittsburgh, PA 15213-2664
 14894592 +Jessica Dinkfelt, 11340 James Street, Irwin, PA 15642-4480
 14995129 +PHEAA, PO Box 8147, Harrisburg, PA 17105-8147
 14996498 +PHEPLE FEDERAL CREDIT UNION, F/K/A WESTMORELAND COMMUNITY FEDERAL CRE,
 2900 SEMINARY DRIVE, BUILDING G, GREENSBURG, PA 15601-3734
 14894593 +PayPal Credit, P.O. Box 71202, Charlotte, NC 28272-1202
 14894594 +Quest Diagnostics, P.O. Box 740717, Cincinnati, OH 45274-0717
 14894595 +RBS Citizens NA, 1000 Lafayette Blvd., Bridgeport, CT 06604-4725
 14894596 +Receivables Outsourcing, LLC, P.O. Box 62850, Baltimore, MD 21264-2850
 14894602 +TD Bank USA/Target Credit, P.O. Box 1470, Minneapolis, MN 55440-1470
 14894603 ++TOYOTA MOTOR CREDIT CORPORATION, PO BOX 8026, CEDAR RAPIDS IA 52408-8026
 (address filed with court: Toyota Financial Services, P.O. Box 5855,
 Carol Stream, IL 60197)
 14982693 +Toyota Lease Trust, c/o Toyota Motor Credit Corporation, PO Box 9013,
 Addison, Texas 75001-9013
 14986628 U.S. Department of Education, c/o FedLoan Servicing, P.O. Box 69184,
 Harrisburg, PA 17106-9184
 14894604 +UPMC Health Services, P.O. Box 371472, Pittsburgh, PA 15250-7472
 15001903 UPMC Health Services, PO Box 1123, Minneapolis, MN 55440-1123
 15001904 UPMC Physician Services, PO Box 1123, Minneapolis, MN 55440-1123
 14894605 +Westmoreland Community FCU, 2900 Seminary Drive, Bldg. 6, Greensburg, PA 15601-3734

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.

14894580 +E-mail/Text: bankruptcy_notifications@ccsusa.com Mar 07 2019 02:21:42 CCS, P.O. Box 55126,
 Boston, MA 02205-5126
 14984502 E-mail/PDF: AIS.cocard.ebn@americaninfosource.com Mar 07 2019 02:28:58
 Capital One Bank (USA), N.A., by American InfoSource as agent, PO Box 71083,
 Charlotte, NC 28272-1083
 14894579 +E-mail/PDF: AIS.cocard.ebn@americaninfosource.com Mar 07 2019 02:28:09
 Capital One Bank USA NA, 10700 Capital One Way, Richmond, VA 23060-9243
 14894582 +E-mail/Text: BNC-ALLIANCE@QUANTUM3GROUP.COM Mar 07 2019 02:20:52 Comenity Bank/Avenue,
 P.O. Box 182789, Columbus, OH 43218-2789
 14894583 E-mail/Text: BNC-ALLIANCE@QUANTUM3GROUP.COM Mar 07 2019 02:20:52 Comenity Bank/Chadwicks,
 P.O. Box 18279, Columbus, OH 43218
 14894584 +E-mail/Text: BNC-ALLIANCE@QUANTUM3GROUP.COM Mar 07 2019 02:20:53 Comenity Bank/King Size,
 P.O. Box 182789, Columbus, OH 43218-2789
 14894585 +E-mail/Text: BNC-ALLIANCE@QUANTUM3GROUP.COM Mar 07 2019 02:20:53 Comenity Bank/Woman Within,
 P.O. Box 182789, Columbus, OH 43218-2789
 14894825 +E-mail/PDF: PRA_BK2_CASE_UPDATE@portfoliorecovery.com Mar 07 2019 02:54:06
 PRA Receivables Management, LLC, PO Box 41021, Norfolk, VA 23541-1021
 14978079 E-mail/Text: bnc-quantum@quantum3group.com Mar 07 2019 02:20:56
 Quantum3 Group LLC as agent for, MOMA Trust LLC, PO Box 788, Kirkland, WA 98083-0788
 14894597 +E-mail/PDF: gecsedirecoverycorp.com Mar 07 2019 02:28:58 SYNCB/JC Penney,
 P.O. Box 965007, Orlando, FL 32896-5007
 14894598 +E-mail/PDF: gecsedirecoverycorp.com Mar 07 2019 02:28:32 SYNCB/Mattress Firm,
 P.O. Box 965036, Orlando, FL 32896-5036
 14894599 +E-mail/PDF: gecsedirecoverycorp.com Mar 07 2019 02:28:57 SYNCB/Sams Club Dual Card,
 P.O. Box 965005, Orlando, FL 32896-5005
 14894600 +E-mail/PDF: gecsedirecoverycorp.com Mar 07 2019 02:28:32 SYNCB/Value City Furniture,
 P.O. Box 965036, Orlando, FL 32896-5036
 14894601 +E-mail/PDF: gecsedirecoverycorp.com Mar 07 2019 02:28:57 SYNCB/Walmart, P.O. Box 965024,
 Orlando, FL 32896-5024

TOTAL: 14

District/off: 0315-2

User: lmar
Form ID: 149

Page 2 of 2
Total Noticed: 44

Date Rcvd: Mar 06, 2019

***** BYPASSED RECIPIENTS (continued) *****

***** BYPASSED RECIPIENTS (undeliverable, * duplicate) *****

cr Toyota Motor Credit Corporation
cr* +PRA Receivables Management, LLC, PO Box 41021, Norfolk, VA 23541-1021
14996564* +PHEAA, PO Box 8147, Harrisburg, PA 17105-8147

TOTALS: 1, * 2, ## 0

Addresses marked '+' were corrected by inserting the ZIP or replacing an incorrect ZIP.
USPS regulations require that automation-compatible mail display the correct ZIP.

Transmission times for electronic delivery are Eastern Time zone.

Addresses marked '++' were redirected to the recipient's preferred mailing address
pursuant to 11 U.S.C. 342(f)/Fed.R.Bank.PR.2002(g)(4).

I, Joseph Speetjens, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.

Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed. R. Bank. P. 2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.

Date: Mar 08, 2019

Signature: /s/Joseph Speetjens

CM/ECF NOTICE OF ELECTRONIC FILING

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on March 6, 2019 at the address(es) listed below:

George Mills Conway, III on behalf of U.S. Trustee Office of the United States Trustee
george.m.conway@usdoj.gov
James Warmbrodt on behalf of Creditor Toyota Motor Credit Corporation bkgroup@kmlawgroup.com
Maureen Kroll on behalf of Debtor Michael Allen Koschik maureen@mkroll.comcastbiz.net,
lisa@mkroll.comcastbiz.net
Maureen Kroll on behalf of Joint Debtor Lisa Marie Melocchi maureen@mkroll.comcastbiz.net,
lisa@mkroll.comcastbiz.net
Natalie N. Piscione on behalf of Creditor PHEPLE FEDERAL CREDIT UNION f/k/a WESTMORELAND
COMMUNITY FEDERAL CREDIT UNION covellilawoffices@yahoo.com, ndantonio@covellilaw.com
Natalie N. Piscione on behalf of Creditor Westmoreland Community Federal Credit Union
covellilawoffices@yahoo.com, ndantonio@covellilaw.com
Office of the United States Trustee ustpreion03.pi.ecf@usdoj.gov
Ronda J. Winnecour cmecf@chapter13trusteedpa.com

TOTAL: 8